

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 541 of 2019**

Ujjwal Thakur S/o Late Shri Shailendra Thakur, aged about 17 years R/o Near Malsay Pond Professor Coloney, Tahsil & District Raipur (C.G.).

Through: Natural Guardian Mother Smt. Ranjna Thakur, W/o Late Shri Shailendra Thakur R/o Near Malsay Pond, Professor Coloney, Tahsil & District Raipur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Telibandha, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Ajay Kumar Chandrakar, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****13/05/2019**

1. Counsel for the Applicant does not want to press I.A. No. 01/2019, therefore, the same is dismissed as not pressed.
2. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015) against judgment dated 01/04/2019 passed in Criminal Appeal No. 175/2019 by the 7th Additional Sessions Judge, Raipur, whereby the 7th Additional Sessions Judge has rejected the appeal arising out of order dated 15/03/2019 dismissing his bail application passed in Criminal Case No. 77/2019 by the Juvenile Justice Board, Raipur.
3. In this case, the Prosecutrix is a girl aged about 17 years. At the relevant

time, she was studying in Class-11th. On 30/12/2018, father of the Prosecutrix namely Rajendra lodged a missing report of the Prosecutrix/daughter. Initially, offence under Section 363 of the IPC was registered. When the Prosecutrix was recovered and her statement was recorded, then other offences have been added. It is alleged that co-accused the Applicant, co-accused Vijendra Pandey and Adarsh were acquainted with the Prosecutrix. Later on, co-accused Sohrab also became friend of the Prosecutrix. It is alleged that on the date of incident, co-accused persons namely Sohrab and Vijendra took the Prosecutrix to the house of Aman Agrawal, where Sohrab forcefully committed sexual intercourse with her. It is further alleged that Vijendra and Aman Agrawal made obscene video of the Prosecutrix and demanded Rs. 80,000/- from her. They also told the prosecutrix, if she does not fulfill their demand, they would circulate the obscene video of her. On the basis of above, offence has been registered and the Applicant has been taken into custody on 15/03/2018. He filed an application under Section 12 of the Act, 2015 for grant of bail, which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. He further submits that the Applicant is juvenile aged about 17 years who is in custody since 15/03/2018 and the social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, he may be extended the benefit of bail.

5. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
6. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
7. Considering the nature of allegation, facts of the case and the fact that the Applicant is in observation home since 15/03/2018 and social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 01/04/2019 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge